

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

VIET PHI NGUYEN,	}	No. 2:19-cv-01103-RGK (JDE)
Petitioner,		
v.		ORDER: (1) ACCEPTING FINDINGS
		AND RECOMMENDATION OF
UNITED STATES OF AMERICA,		UNITED STATES MAGISTRATE
Respondent.		JUDGE; AND (2) TRANSFERRING
		ACTION TO THE EASTERN
		DISTRICT OF TEXAS

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (Dkt. 1), the Motion to Dismiss the Petition (Dkt. 6), the Report and Recommendation of the United States Magistrate Judge (Dkt. 16), and the other relevant pleadings. No party has filed any objections to the Report and Recommendation within the time allotted nor sought additional time in which to do so. The Court accordingly accepts the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that Respondent's Motion to Dismiss the Petition (Dkt. 6) is GRANTED in part as follows:

- (a) the Petition is recharacterized as a Motion pursuant to 28 U.S.C. § 2255; and

1 (b) so recharacterized, the action is transferred to the United States
2 District Court for the Eastern District of Texas. The Clerk shall
3 effect such transfer and notify Petitioner.
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5 Dated: June 20, 2019



6 R. GARY KLAUSNER
7 United States District Judge
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